REMARKS

Applicant, by the amendments presented above, has made a concerted effort to present

claims which clearly define over the prior art of record, and thus to place this case in condition

for allowance.

Claim Rejections

In the Office Action, the Examiner rejected claims 7-14 under 35 U.S.C. §102(e) as being

anticipated by United States Patent No. 5,997,193 (Petterutti et al.), claims 23-24 under 35

U.S.C. §102(c) as being anticipated by United States Patent No. 6,236,486 (Nocker, IV) and

claims 15-17 under 35 U.S.C. §103(a) as allegedly being unpatentable over United States Patent

No. 5,997,793 (Petterutti et al.) in view of U.S. Patent No. 5,524,993 (Durst).

With regards to the rejection of claims 7 through 14 under 35 U.S.C. 102(e) as being

anticipated by Petterutti et al., Petterutti et al. discloses a portable printer having a

microprocessor controller and a printing mechanism integrated into an assembly with a battery

pack. The microprocessor controller communicates interactively with the terminal, which may

be remote from the printer and may include or be a host computer. The terminal supplies

application programs and data representing the information to be printed. The controller and the

printer convert such data into printing formats for operating the printer mechanism.

Serial No.: 09/642,538
Art Unit: 2622
Page 8

Claim 7 is independent and has been rejected based on Petterutti et al. The Office Action suggests that "the label format stored in the printer is at least one of viewable and modifiable" reads on the information to be printed in Petterutti et al., column 7, lines 9-14 and column 8, lines 5-15. The information to be printed is sent from the host terminal to the printer in Petterutti et al. This is a forward communication process. In order to have "a printer which is configured...to provide that a label format stored in the printer is at least one of viewable and modifiable at a remote location," communications in the reverse direction must also occur where the printer sends label format information to the host terminal for being "...viewable and modifiable." Thus, "the label format stored in the printer is at least one of viewable and modifiable" cannot read on the information to be printed since they are distinctly different types of communications between the terminal in the printer that generally travel in opposite directions.

Although Petterutti et al. does disclose using the printer in a network environment as shown in column 8, lines 5-15, the novel feature of "provid[ing] that the label format stored in the printer is at least one of viewable and modifiable at a remote location," is not taught nor suggested by Petterutti as discussed above. As such, since Petterutti et al. does not teach nor suggest "provide that a label format stored in the printer is at least one of viewable and modifiable at a remote location," it would logically follow that it would not be possible for Petterutti et al. to teach or suggest that the novel feature of "providing that a label format stored in the printer is at least one of viewable and modifiable at a remote location over at least one of Intranet, the Internet and a wireless communication network."

Serial No.: 09/642,538
Art Unit: 2622
Page 9

Although Applicant believes that claim 7 as presented in the Office Action Response filed on March 2, 2004 is distinguishable from that which is disclosed in Petterutti et al., this claim has been amended herein in order to further distinguish the claimed invention from that which is disclosed in Petterutti et al.

Claim 7 now specifically claims a printer which includes electronics configured to provide that a label format stored in the printer is uploadable to a remote location over at least one of an Intranet, the Internet and a wireless communication network such that the label format is both viewable and modifiable at the remote location. Petterutti et al. does not disclose or suggest this.

In Petterutti et al., the primary form of communication between the printer controller and the terminal is primarily one-way (i.e., forward from the terminal to the printer) where an application program, presumably in the form of a label format, is sent from the terminal to the printer (see column 7, lines 9-31). Petterutti et al. only discloses communication in the reverse direction (i.e., from the printer to the terminal) when a "get Application Program/Data" subroutine executes in the printer (see column 7, lines 15-19). When this occurs, the printer controller sends a "request for data from the terminal" where the host terminal then replies back to the printer by sending an application program (see column 7, lines 22-24). A reverse acknowledgment signal that the data was printed may also be sent from the printer to the terminal (see column 8, lines 13-16). However, nowhere does Petterruti et al. disclose or suggest that these reverse signals or communications contain any information of the type that would provide that "a label format stored in the printer is uploadable to a remote location over at least one of an

Serial No.: 09/642,538
Art Unit: 2622
Page 10

Intranet, the Internet and a wireless communication network such that the label format is both viewable and modifiable at the remote location."

Applicant respectfully submits that claim 7 patentably distinguishes over Petterrutti et al., and that claims 8, 9 and 10 which depend from independent claim 7 also patentably distinguish over Petterutti et al. and are patentable for at least the same reasons as claim 7.

Claim 11 is also independent and has been rejected based on Petterutti et al. Claim 11 has been amended herein to further distinguish the claimed invention from that which is disclosed in Petterutti et al. Claim 11 now specifically claims a printer which includes electronics configured to provide that a program is uploadable to a remote location over at least one of an Intranet, the Internet and a wireless communication network such that the program is modifiable at the remote location and downloadable to the printer wherein the printer is programmable and controllable from the remote location without having to re-power the printer.

Although Petterutti et al. in column 7, lines 9-14 discloses a printer adapted for control and to receive data representing information to be printed from a terminal through an I/O connector, a radio, or the IR link, Petterutti et al. does not disclose or suggest "electronics configured to provide that a program is uploadable to a remote location over at least one of an Intranet, the Internet and a wireless communication network such that the program is modifiable at the remote location and downloadable to the printer wherein the printer is programmable and controllable from the remote location without having to re-power the printer."

Applicant respectfully submits that claim 11 patentably distinguishes over Petterrutti et al., and that claims 12, 13 and 14 which depend from independent claim 11, also patentably distinguish over Petterutti et al. and are patentable for at least the same reasons as claim 11.

Serial No.: 09/642,538
Art Unit: 2622
Page 11

With regards to claims 23 through 24 that were rejected under 35 U.S.C. 102(e) as being anticipated by Nocker (US 6,236,486), Nocker discloses a data communication system that permits optical communication between a printer and a handheld collection computer. Column 2, lines 1-15 disclose a data collection computer loading a test batch configuration into one or more printers to ensure uniform print results. Nocker discloses this feature in the context of an operator of a data collection computer in a large facility that may wish to utilize a local printing station disposed in near proximity to a work location rather than returning to a central printing station adjacent to the central host computer. In those situations, the operator may opt to connect the data collection computer to the printer directly using conventional printer cables or presumably through an optical connection.

Nocker does not teach nor suggest "downloading the data to a plurality of printers to clone the printers, wherein settings of the printers are the same." In other words, although Nocker discloses downloading a test batch configuration from a data collection computer to load directly into one or more printers, Nocker does not teach nor suggest the act of downloading a printer configuration to a plurality of printers over a network.

In order to clarify the claim and more precisely claims a point of novelty over Nocker, claim 23 has been amdned to specifically claim "downloading the data over the network to a plurality of printers in the network to clone the printers, wherein settings of the printers are the same." Presumably, Nocker could clone a plurality of printers by manually moving the data collection device from one printer to the next to load the test batch configuration to each printer individually. However, Nocker does not teach nor suggest downloading this test batch configuration to a plurality of printers over a network which has the advantage of saving time and

Serial No.: 09/642,538
Art Unit: 2622
Page 12

minimizes the risk of error. To clone a plurality of printers using Nocker's approach would be very time consuming and cumbersome since the portable device would have to be manually moved and connected to each printer to be cloned.

Regarding dependent claim 24, column 1 lines 49-67 of Nocker do not teach or suggest the data being in XML format. In fact, XML is never mentioned in Nocker. The Office Action only suggests that that XML format reads on being able to be sent through a wireless LAN. It should be noted that many types of data in various formats may be sent through a wireless LAN. In other words, a wireless LAN provides the infrastructure to permit one device to communicate to another device. However, a wireless LAN does not teach nor suggest and, thus cannot read, on the use of XML as the communication language to be utilized over the wireless LAN.

More importantly, Nocker does not teach or suggest using a wireless LAN to perform cloning. In fact, Nocker teaches away this concept by stating that it becomes necessary for a data collection computer to communicate directly to a printer rather than through the LAN when cloning is being performed (see column 2 lines 1-8). Thus, even if the Office Action's suggestion is correct in asserting that XML reads on being able to be sent through a wireless LAN, which it does not, since the use of a LAN is taught away by Nocker when printer cloning is being performed, the use of data in XML format over the taught-away concept of using LAN in the context of printer cloning cannot logically be anticipated by Nocker.

As such, independent claim 23 and claim 24 that depends from claim 23 patentably distinguishes over Nocker.

Serial No.: 09/642,538
Art Unit: 2622
Page 13

With regards to the rejection under 35 U.S.C. 103(a) of claims 15-17 as being

unpatentable over Petterutti in view of Durst (U.S. Patent No. 5,524,993), Durst discloses an

automatic print speed control for a barcode printer.   Durst states that "the printhead 12 is

strobed to control the amount of energy applied thereto for printing. More particularly, current is

applied to the printhead 12 during a strobe time in order to print one line on a record member"

(See column 2, lines 24-30). Durst also teaches that strobe time affects printing contrast (see

column 3, lines 16-19).

In Durst, column 4, lines 58-64, disclosure that modification of the strobe time of a

printhead may be modified using equations or algorithms. Since modification of strobe time

affects printing contrast only, Applicant respectfully asserts that there is no relationship with

Durst's disclosure to a printer "receiving a barcode rendering algorithm through a port."

In other words, the actual information that the printhead may mark on the record member

in Durst is not discussed. Durst only teaches how to modify the strobe time for the printhead to

affect printing contrast where the strobe time is modified using equations or algorithms as

opposed to lookup tables (see column 4, lines 57-64). Printing contrast is not equivalent to the

information actually printed, such as a barcode.

In Applicant's claimed approach, "the printer receives a barcode rendering algorithm

through a port," the algorithm instructs the printer how to actually draw or render the barcode on

the label, tag, or ticket and it does not contain an equation or algorithm for affecting contrast of

the printed image.

Serial No.: 09/642,538
Art Unit: 2622
Page 14

Moreover, Durst does not teach nor suggest a printer receiving the equations or algorithms through a port. So, even if the Durst equations or algorithms as discussed in column 4 lines 57-64 were "barcoding rendering algorithms," Durst could not read on the applicant's claimed approach since Durst does not teach nor suggest sending those equations through a port which forms part of the applicant's novel claimed approach.
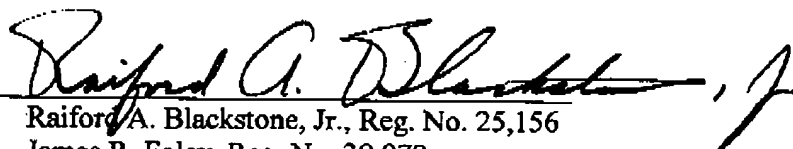
As such, even if Durst were combined with Petterutti, the applicant's claimed approach would not result. Thus, claim 15 patentably distinguishes over Petterutti in view of Durst as well as claims 16-17 that depend from independent claim 15.

Should the present claims not be deemed adequate to effectively define the patentable subject matter, the Examiner is respectfully urged to call the undersigned attorney of record to discuss the claims in an effort to reach an agreement toward allowance of the present application.

Respectfully submitted,

Date: August 6, 2004   By: _____ ,

Raiford A. Blackstone, Jr., Reg. No. 25,156
James R. Foley, Reg. No. 39,979
Attorneys for Applicant
TREXLER, BUSHNELL, GIANGIORGI,
        BLACKSTONE & MARR, LTD.
105 West Adams Street, 36th Floor
Chicago, Illinois 60603-6299
Tel: (312) 704-1890

Serial No.: 09/642,538
Art Unit: 2622
Page 15